

REMARKS

By this amendment, claims 10, 12 and 13 have been canceled, claims 1-4 and 9 have been amended, and claims 14-22 have been added. Thus, claims 1-9 and 14-22 are now active in the application. Reexamination and reconsideration of the application are respectfully requested.

Initially, Applicants wish to thank the Examiner for providing, in this Office Action, a very thorough explanation of how the claim language is being interpreted to read upon the applied references. Based upon the Examiner's explanation, Applicants have amended the claims to clearly distinguish over the applied prior art.

In particular, in the Office Action mailed November 26, 2008, claims 1-6, 9, 10, 12 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima Takeshi (JP 2004-027969; hereinafter Takeshi) in view of Ellermann et al. (U.S. 4,599,935); claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 and further in view of Helt (U.S. 6,282,910); and claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 and further in view of Numoto et al. (U.S. 6,082,132). As mentioned above, the claims have been amended in view of the Examiner's thorough explanation of the manner in which the claim language was being interpreted to read upon the Ellermann et al. piston.

It is noted that, in order to clarify the features of the present invention as discussed above, Applicants submit herewith replacement drawings for Figs. 2-4, so as to show lines 147a, 147b, 148a, and 148b that extend in an axial direction of the piston along the outer circumferential surface 150 of the piston. These lines are used for reference in the amended claims, and a corresponding description of these lines is added into the specification by this amendment.

Thus, with reference to replacement Figs. 2-4, the reference lines 147a, 147b are described as "first lines", and the reference lines 148a, 148b are described as "second lines." The "first lines" are defined as being lines at the outer circumferential surface 150 of the piston 140 to be parallel with the piston axis 170 and to intersect the center axis (147) of piston pin 142. The "second lines" 148a, 148b are defined at the outer circumferential surface 150 of the piston 140

to be parallel with the piston axis 170 and to be spaced 90° circumferentially from “first lines” 147a, 147b.

These “first lines” and “second lines” are now used for reference in the independent claims so as to clearly define the disclosed configuration of the piston 140. In particular, as can be seen in Fig. 4, for example, each under cut 153 is spaced circumferentially away from each of the first lines 147a, 147b and from each of the second lines 148a, 148b. This relationship is now clearly specified in independent claim 1 and clearly differentiates the invention of claim 1 from the Examiner’s proposed combination of Takeshi and Ellermann. That is, in the Ellermann patent, the under cut 14 is located on the outer circumferential surface of the piston at a circumferential location that includes a “second line” defined at the outer circumferential surface of the piston so as to be parallel to the piston axis and so as to be spaced 90° circumferentially from a “first line”, where the “first line” is defined at the circumferential surface of the piston so as to be parallel to the piston axis and so as to intersect the center axis of the piston pin. In other words, claim 1 now clearly defines the location of the under cut 153 shown in Fig. 4 in which the under cut 153 is shown “spaced circumferentially away from each of the first lines [147a, 147b] and each of the second lines [148a, 148b].”

For this reason, claim 1 as now presented clearly distinguishes over the combination of Takeshi and Ellermann et al.

Independent claim 9 has also been amended to clearly recite that the land 190, 192 comprises a circumferential land portion 190 (see Fig. 3) formed circumferentially about the piston 140 and extending axially from the top surface of the piston for a predetermined distance, a first pair of axial land portions 160 formed respectively along the second lines 148a, 148b continuously from the circumferential land portion 190 to the skirt surface 152, and a second pair of axial land portions 154, 155 formed respectively along the first lines 147a, 147b from the circumferential land portion 190 to the skirt surface 152, the second pair of axial land portions 154, 155 being continuous along the first lines 147a, 147b, respectively, from the circumferential land portion 190 to the skirt surface 152 except where interrupted by a recess (see Figs. 3 and 4) for accommodating the piston pin 142.

In other words, claim 9 now specifically defines the locations of the land portion 190, the land portions 160, and the land portions 154, 155. In particular, the land portion 190 is recited as being a circumferential land portion formed circumferentially about the piston 140 and extending axially from the top surface 151 of the piston 140 for a predetermined distance. The land portions 160 are recited in claim 9 as being formed along the "second lines" 148a, 148b as shown in the attached replacement Figs. 2 and 4. The land portion 154 and 155 are recited as being formed along the "first lines" 147a, 147b, respectively, as shown in the replacement Figs. 3 and 4, except where interrupted by a recess for accommodating the piston pin 142.

Therefore, the Examiner's interpretation of the claim language as encompassing a piston having the land portions at the "painted" locations of the figures shown on page 16 of the Office Action, is no longer applicable to the amended claims.

Thus, for the above reasons, it is believed that a person having ordinary skill in the art would not have found it obvious to modify the Takeshi hermetic compressor in view of the Ellermann et al. patent or any of the other references of record in such a manner as to result in or otherwise render obvious the present invention of independent claims 1 and 9. Therefore, it is respectfully submitted that claims 1 and 9, as well as the claims depending therefrom, are clearly allowable over the prior art of record.

It is respectfully requested that this amendment be entered after final Office Action since the amendment clearly places the application in condition for allowance after the Examiner provided the thorough and very helpful explanation of the manner in which the claim language was being interpreted.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is earnestly solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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January 26, 2009